

MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
SPECIAL WASTE AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
SIERRA HEARING ROOM
SACRAMENTO, CALIFORNIA

MONDAY, SEPTEMBER 9, 2002
1:30 P.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

STAFF

Mr. Don Dier

Mr. Tom Micka

SPEAKERS

Mr. John Stroh

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PROCEEDINGS

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WASTE MANAGEMENT ENGINEER MICKA: Good Afternoon,
ladies and gentlemen. At this time, the California
Integrated Waste Management Board is holding a public
hearing to amend existing waste tire facility permitting
and storage regulations and to add regulatory enforcement
criteria for permitted and unpermitted waste tire
facilities.

The Board proposes to amend Title 14 California
Code of Regulations, Division 7, Chapters 3 and 6.

My name is Tom Micka. And with me this afternoon
is Don Dier, Manager of the Tire Facility Permitting,
Enforcement and Hauler Registration programs. And staff
counsel sitting in the audience is Jody Foster -- Jody
Feldman.

Today's hearing is being recorded, and the
transcript will be available.

Please sign in at the back table so that we may
notify you of the next step in the regulatory or
rule-making process.

If you're planning to speak today, please fill
out a speaker form on the back table and give it to Don
Dier.

This Regulation or rule-making process is being
done in accordance with the procedures established by the

1 Office of Administrative Law, or OAL. California
2 Integrated Waste Management Board circulated the notice
3 for this rule making on July 12th of this year. The
4 45-day written comment period ended on August 26th.

5 It was originally intended that this hearing
6 would be held at the regularly scheduled Special Waste and
7 Market Development Committee meeting. However, the date
8 of the Committee meeting was changed.

9 Even though the Committee is not present today,
10 Board members may be in the audience.

11 I won't take time to go over most of the
12 information that's contained in the notice. If you've not
13 received a copy of the notice or the proposed changes to
14 the regulations, there are copies on the back table.

15 The proposed regulations make changes in the
16 existing regulations to implement, interpret, and make
17 specific the provisions of Senate Bill 876 passed in the
18 year 2000, as well as move language to more appropriate
19 sections, correct errors, and add definitions and language
20 to make the regulations more functional and delete
21 unnecessary language.

22 In addition, existing enforcement criteria for
23 permitted and unpermitted waste tire facilities is being
24 incorporated into the regulations.

25 I'll take a few minutes and summarize the

1 comments that the Board has received in writing during the
2 45-day comment period.

3 One commenter had a comment on methods subject to
4 EA and Board approval dealing with tire volume reduction
5 prior to the disposal. And that's in Section 17355(a).

6 Two commenters commented on the definition of
7 "collection." One commenter addressed "used tire dealer."

8 One comment addressed waste tire stock piles of
9 less than 500. One comment addressed the storage of waste
10 tires outdoors. One comment addressed auto dismantlers.
11 And another comment addressed tire treading and automobile
12 dismantling.

13 And then there were a couple of comments dealing
14 with typos.

15 One comment addressed fire prevention measures.
16 Another comment dealt with cogeneration facilities, and
17 another one with cement kiln facilities. And another
18 comment dealt with how tires are counted.

19 And then also the Board staff is proposing to add
20 the words "including exposure to pollutions" to Sections
21 1846 and 1847 of Article 10 under "Financial
22 Responsibility for Operating Liability Claims of Major
23 Waste Tire facilities."

24 Furthermore, the purpose of -- oh, they propose
25 adding a new section dealing with the issuance of notice

1 and order and stipulated notice and order; and another
2 section entitled "compliance options."

3 In addition they propose adding a new article
4 entitled "Financial Assurance and Enforcement Procedures
5 for Major Waste Tire Facilities."

6 I would like to point out that the purpose of
7 this hearing is to allow the public to comment on the
8 proposed changes in the existing regulations, and not to
9 debate the regulations or to enter into a discussion
10 concerning the comments.

11 Following this meeting staff will review all oral
12 and written comments. Staff is planning to bring these
13 proposed regulations before the Special Waste and Market
14 Development Committee on October 2nd of 2002. Staff will
15 likely recommend that further changes be made to the
16 proposed regulations based on the comments received.

17 If the Committee approves these changes, the
18 package will be sent out for a 15-day comment period. Any
19 comments received during this 15-day comment period, which
20 should be limited only to the new proposed changes, will
21 be summarized and likely presented at the November Special
22 Waste and Market Development Committee.

23 I would like to note that this is only a public
24 hearing -- or is the only public hearing that we'll be
25 holding. It is anticipated that the package will be sent

1 to the November Committee and Board meetings for
2 consideration of adoption.

3 As part of the rule-making files submitted to OAL
4 all comments will be summarized in the final statement of
5 reasons, along with reasons for why the comments were
6 accepted or were acted upon or not.

7 If anyone today has written comments, please
8 submit those to Don Dier. It will not be necessary to
9 read written comments into the record.

10 Before each speaker begins, please state your
11 name and affiliation for the court reporter.

12 At this point, I'd like to start with the first
13 speaker and the only speaker.

14 John Stroh with the Mosquito and Vector Control
15 Association of California.

16 MR. STROH: Thank you.

17 For the record my name is John Stroh. I'm with
18 the Mosquito and Vector Control Association of California.

19 Our association, which is headquartered here in
20 Sacramento, represents over 50 local mosquito and vector
21 control agencies in California, most of them intimately
22 involved with waste tires based on the fact that waste
23 tires have a preponderance of breeding mosquitos, creating
24 vector problems and harborage sites that are very
25 labor-intensive and potential public health problems.

1 We're also represented today by our Executive
2 Director Chris Voight and his staff, who are headquartered
3 here in Sacramento. And we wanted to ensure that the
4 Board understood that the districts in California as well
5 as the association is in full concurrence with the
6 suggested changes to Section 17353, the vector control
7 measures.

8 We also look forward to working with the Board
9 and staff in dealing with waste tire issues, especially in
10 areas that are known and areas that the individual
11 districts themselves can bring forward for notice to the
12 Board and its staff.

13 Last, but not least, with the advent of the West
14 Nile Virus in California, confirmed as of last week, we
15 now see this as a high priority to bring forth information
16 with regards to sites -- tire sites that are not only
17 breeding sites for pest mosquitos but vector mosquitos
18 also. We look forward to a long relationship with the
19 Waste Board on that.

20 Also, I'd like to point out that the Department
21 of Health Services Vector-Borne Disease Section, which was
22 instrumental in working on these original regulations, has
23 reviewed those. And although we can't speak for them,
24 it's our understanding that they concur with those changes
25 also.

1 So thank you for the opportunity to speak. And
2 I'd be happy to answer any questions.

3 WASTE MANAGEMENT ENGINEER MICKA: Thank you.

4 Do we have any other -- anyone else who would
5 like to speak today?

6 Okay. If there's no other speakers, this public
7 hearing is closed.

8 Thank you for coming today.

9 (Thereupon the California Integrated Waste
10 Management Board, Special Waste and Market
11 Development Committee meeting concluded at
12 1:40 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Special Waste and Market Development Committee meeting was
8 reported in shorthand by me, James F. Peters, a Certified
9 Shorthand Reporter of the State of California, and
10 thereafter transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 19th day of September, 2002.

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23 JAMES F. PETERS, CSR, RPR
24 Certified Shorthand Reporter
25 License No. 10063